



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL
CLEANUP

December 3, 2015

Mr. Gary Passmore
Director, Office of Environmental Trust
The Confederated Tribes of the Colville Reservation
P.O. Box 150
Nespelem, Washington 99155

Mr. Peter Rozee
Senior Vice President, Commercial and Legal Affairs
Teck Resources Limited
501 North Riverpoint Blvd.
Spokane, Washington 99202

Dear Mr. Passmore and Mr. Rozee:

The Confederated Tribes of the Colville Reservation (Tribes) have expressed interest in obtaining testimony from the Environmental Protection Agency (EPA) in support of their claim for recovery of response costs in *Pakootas v. Teck Cominco Metals, Ltd.* Teck expressed concerns about EPA's participation in the litigation in support of the Tribes. It is EPA's general policy not to provide testimony in litigation to which EPA is not a party. Therefore, EPA does not presently plan to provide such testimony. Having made this decision, I want to recognize the contributions that both Teck and the Tribes have made toward addressing environmental and human health issues at the Site.

Teck has shown a commitment to the Site by expending significant sums of money to conduct the remedial investigation and feasibility study (RI/FS), including the collection of data that will be included in the administrative record for EPA's remedy decision. Teck has also recently performed time critical removal actions at the Site.

The Tribes have collected data that has informed studies under the RI/FS and will be included in the administrative record for EPA's remedy decision. The Tribes have also invested substantial resources in securing a liability determination that EPA will rely on to pursue cleanup of the Site under CERCLA.

EPA looks forward to continuing to work with the Tribes and Teck to investigate and clean up the Site.

Sincerely,

A handwritten signature in blue ink, appearing to be "R. Albright", with a long horizontal line extending to the right.

Richard Albright, Director
Office of Environmental Cleanup

cc: Dennis Faulk, EPA
Kris McCaig, Teck American Incorporated